

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 17446 OF 2024.

AND

WRIT PETITION NO. 17447 OF 2024.

AND

WRIT PETITION NO. 17448 OF 2024.

AND

WRIT PETITION NO. 17450 OF 2024.

AND

WRIT PETITION NO. 17451 OF 2024.

AND

WRIT PETITION NO. 17452 OF 2024.

AND

WRIT PETITION NO. 17453 OF 2024.

AND

WRIT PETITION NO. 17454 OF 2024.

AND

WRIT PETITION NO. 17455 OF 2024.

Shetkari Shikshan Mandal Dholgarwadi And Ors

...Petitioners.

Versus

The Joint Charity Commissioner Kolhapur And
Ors

...Respondents.

Mr. Prashant Bhavake for the Petitioner in All Petitions.

Mr. P. P. Kakade, Addl GP a/w Mr. B. B. Dahiphale, AGP for the Respondent-State in WP-17446-2024.

Mr. Y. D. Patil AGP for the Respondent-State in All Petitions Except 17446-2024.

Coram : Sharmila U. Deshmukh, J.

Date : December 5, 2024.

P. C. :

1. The grievance of the Petitioner is that at the instance of the rival faction of the trust by rejecting the appeal based on Pursis

filed by the rival faction fresh election were directed to be held on by considering the eligible members as on 2006. He submits that the prejudice which has been caused to the present Petitioner is that their Change Report for the year 2022 to 2024 is pending acceptance and therefore the eligibility has to be determined with regard to the present position and not the membership list of 2006.

2. He would further submit that the Petitioner faction was not heard though an objection was raised before the Assistant Charity Commissioner which had led to the rejection of the Change Report filed by the rival faction.

3. Issue notice to the Respondents returnable on **9th January, 2025**. In addition to Court notice, advocate for the Petitioner to serve the Respondents by private notice by all possible modes of service and file affidavit of service before the next date. Learned AGP waives notice for Respondent Nos. 1 and 2.

4. Learned Counsel appearing for the Petitioner submits that the Joint Charity Commissioner has directed the entire election process to be completed prior to 25th December 2024. *Prima facie* from the impugned order it appears that the Respondent No. 3 i.e. rival faction had given up the challenge to the rejection of the Change Report and had filed Pursis accepting that fresh elections can be held based on the eligible members as on 2006. The elections are scheduled

for the year 2024 and it is necessary that the members voters list has to be prepared on the basis of the members who are eligible as on 2024. Further the Change Report filed by the Petitioner i.e. Change Report No. 169 of 2023, as regards the appointment of the Managing Committee Members is pending acceptance.

5. *Prima facie* case for grant of ad-interim relief is made out. Ad-interim relief in terms of prayer clause- (c), till the next date.

"(c) Pending the hearing and final disposal of the present Writ Petition, this Hon'ble Court be pleased to stay the execution, operation and implementation of the Clause 3 of operative portion of impugned Judgment and order dated 28-08-2024 passed by the Respondent No.1-Joint Charity Commissioner in Appeal No. 46 of 2023, whereby the Respondent No. 2-Deputy Charity Commissioner is directed to conduct of election for Managing Committee of the Petitioner No. 1-Trust among its valid members enrolled till the year 2006;"

[Sharmila U. Deshmukh, J.]